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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/386,000 08/30/99 MIYAZAKI

K Q55595

EXAMINER
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PM82/0515

SUGHRUE MION ZINN MACPEAK & SEAS  
2100 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20037-3202

RIDLEY, R	
ART UNIT	PAPER NUMBER

3651

DATE MAILED:

05/15/01

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/386,000

Applicant(s)

Miyazaki

Examiner

Richard Ridley

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on May 3, 2001

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-24 is/are pending in the application.

4a) Of the above, claim(s) 7-12, 14, and 19-24 is/are withdrawn from consideration.

5) ☒ Claim(s) 1-6 is/are allowed.

6) ☒ Claim(s) 13, 15, and 17 is/are rejected.

7) ☒ Claim(s) 16 and 18 is/are objected to.

8) ☐ Claims are subject to restriction and/or election requirements.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some\* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 13, 18

20) ☐ Other:

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## DETAILED ACTION

### *Continued Prosecution Application*

1. The request filed on 3 May 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/386,000 is acceptable and a CPA has been established. An action on the CPA follows.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Chiarabini et al. (USP 5,963,216).

Chiarabini et al. clearly discloses the claimed limitation in the device shown in fig. 2, the device comprising a(n):

- sheet feeding area

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- at least one paper rolls (7)
- accommodation space
- cover (6)
- stiff cartoon (obvious if not inherent)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCulley (USP 938,885). McCulley clearly discloses the claimed limitation in the device shown in fig. 1, the device comprising a(n):

- sheet feeding area
- plurality of paper rolls (12)

It is obvious, if not inherent, to have placed the device of McCulley on a table or desk since the examiner takes Official Notice of the fact that recording machines were well known to be placed on tables and desk so as to accommodate a user, thus positioning the device at a height at

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which a user standing in front of the printer can set up a printing medium without having to bend substantially at the waist.

6. Claims 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Felt (USP 441,233). Felt clearly discloses the claimed limitation in the device shown in fig. 1, & 13, the device comprising a(n):

- sheet feeding area
- at least one paper rolls (fig. 1)
- accommodation space
- cover (fig. 1)
- stiff cartoon (fig. 13)
- elongative member (5) disposed in the feeding area for holding the printing medium
- pair of support members for supporting both ends of the elongative member

It is obvious, if not inherent, to have placed the device of Felt on a table or desk since the examiner takes Official Notice of the fact that recording machines were well known to be placed on tables and desk so as to accommodate a user, thus positioning the device at a height at which a user standing in front of the printer can set up a printing medium without having to bend substantially at the waist.

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*Allowable Subject Matter*

7. Claims 16, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Ridley whose telephone number is (703) 306-5910.



Richard Ridley

May 14, 2001



CHRISTOPHER P. ELLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600